

## PETITION: SMALL CLAIMS CASE

CASE NUMBER (Court Use Only):

325C14-74

Plaintiff(s): David E. MackAddress: 7720 McCallum Blvd. #2099

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>	<u>972-735-9642</u>
City	State	Zip	Phone

VS.

IN THE JUSTICE COURT

JUSTICE OF THE PEACE  
PRECINCT 3-2Defendant(s): Midland Credit Management, Inc.Address: 8875 Aero Drive Suite 200

<u>San Diego</u>	<u>CA</u>	<u>92123</u>	<u>800-825-8131</u>
City	State	Zip	Phone

COLLIN COUNTY, TEXAS

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

Plaintiff received a call on his wireless phone on November 29, 2013 at 9:35 AM from the Defendant who used ATDS capable equipment to call his wireless phone number 682-560-1675 from 877-237-0512 without Plaintiff's express consent to do so in violation of 47 U.S.C. § 227 / Texas Business Code Ann. § 305.053. Defendant failed to identify itself as a debt collector when making the call in violation of 15 U.S.C. § 1692d and the Texas Debt Collection Practices Act, Chapter 392.

RELIEF: Plaintiff seeks damages in the amount of \$ 1525, and/or return of personal property as described as follows (be specific): \_\_\_\_\_, which has a value of \$ \_\_\_\_\_. Additionally, plaintiff seeks the following: all costs of this action including, but not limited to, any attorney's fees.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company 211 E. 7th St. Suite 620, Austin, TX 78701

☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

mack2001@swbell.net

David E. Mack

Petitioner's Printed Name

David E. Mack

Signature of Plaintiff or Attorney

7720 McCallum Blvd. #2099

Address of Plaintiff or Attorney

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>
City	State	Zip

972-735-9642

Phone Number/Fax Number

Defendant's Information (If known):

Date of Birth: \_\_\_\_\_

Last 3 Numbers of Driver's License: \_\_\_\_\_

Last 3 Numbers of SSN: \_\_\_\_\_

Defendant's Phone Number: 800-825-8131

FILED  
MAR 14 AM 9:42  
CLERK OF COURT  
COLLIN COUNTY, TEXAS

## AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

CAUSE NUMBER: 325014-74

David E. Mack, PLAINTIFF § IN THE JUSTICE COURT  
 VS. § PRECINCT 3-2  
Midland Credit Manageme, DEFENDANT § COLLIN COUNTY, TEXAS

My name is [please print] David E. Mack

I am [check one] ☒ the plaintiff or ☐ an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

☒ 1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows:

The Defendant is a corporation and cannot serve in the U.S. Military.

☐ 2. Defendant [insert name(s)] \_\_\_\_\_ is on active duty in the U.S. military.

☐ 3. Defendant [insert name(s)] \_\_\_\_\_ has been deployed by the U.S. military to a foreign country.

☐ 4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military – except for any defendant named in 2 above.

☐ 5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country – except for any defendant named in 3 above.

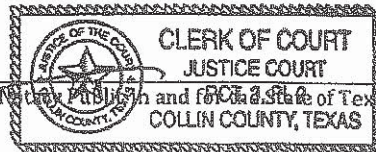
☐ 6. Defendant [insert name(s)] \_\_\_\_\_ has signed, while on active duty, a *separate written waiver* of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

[Signature]

Affiant

Sworn to and subscribed before me on this the 14 day of March, 2014

[Signature]  
 (Judge) (Clerk) 3-2  
 Justice Court, Precinct 3-2  
 Collin County, Texas



FILED  
 2014 MAR 14 PM 9:42  
 JUSTICE COURT  
 PRECINCT 3-2  
 COLLIN COUNTY TEXAS

## JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): 32 SC14-74STYLED David E. Mack v. Midland Credit Management, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:
Name:	Telephone:	Plaintiff(s):
<u>David E. Mack</u>	<u>972-735-9642</u>	<u>David E. Mack</u>
Address:	Fax:	Defendant(s):
<u>7720 McCallum Blvd. #2099</u>		<u>Midland Credit Management, Inc.</u>
City/State/Zip:	State Bar No:	
<u>Dallas, TX 75252</u>		
Email:		[Attach additional page as necessary to list all parties]
<u>mack2001@swbell.net</u>		
Signature: <u>David E. Mack</u>		
3. Indicate case type, or identify the most important issue in the case (select only 1):		
<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	

FILED  
 2014 MAR 14 AM 9:42  
 JUSTICE COURT  
 P.O. BOX 112  
 COLLIER COUNTY, TEXAS